BORA LASKIN LAW LIBRARY
3 1761 10631524 5

CRIMINAL LAW

Professor J. Ll. J. Edwards

1980-1981

VOLUME II

Store
KF
9218
E34
1980
v.2
c.2

LAW LIBRARY

JAN 28 1980

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

CRIMINAL LAW

Professor J. Ll. J. Edwards

1980-1981

VOLUME II

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallaw02edwa_0

VOLUME II

GENERAL DEFENCES

and

EXEMPTIONS from RESPONSIBILITY

1. Infancy . . . . . 2.
2. Insanity and Mental Abnormality . . . 3.
3. Necessity . . . . . 106.
4. Compulsion and Coercion . . . . . 144.
5. Mistake . . . . . 181.
6. Drunkenness and Drugs . . . . . 218.

1. Infancy

ESSENTIAL READING

Criminal Code, ss. 12, 13

Mewett and Manning, Criminal Law, pp. 33-35

RECOMMENDED READING

Smith and Hogan, Criminal Law (4th ed.) pp. 155-59

Juvenile Delinquents Act, 1929, R.S.C. 1970, ch. J-3

Young Persons in Conflict with the Law, Federal Dept. of the Solicitor General, 1975, pp. 1-79

2. Insanity and Mental Abnormality

(i) MEANING OF "WRONG" AND "APPRECIATE"

(ii) DIMINISHED RESPONSIBILITY

(iii) CAPACITY TO STAND TRIAL

ESSENTIAL READING

	Page
R. v. McNaghten (1843), 10 Cl. & Fin. 200 at p. 209; 8 Eng. Rep't 718	4.
The McRuer Report [1956]- Report of the Royal Commission on the Law of Insanity as a Defence in Criminal Cases, pp. 10-14	7.
H. Fingarette, "Diminished Mental Capacity as a Criminal Law Defence" (1974), 37 M.L.R., 264-80	9.
Cooper v. The Queen, (1980) 13 C.R.(3d) 97	18.
R. v. Simpson (1977), 35 C.C.C. (2d) 337; 16 O.R. (2d) 129	29.
R. v. Rabey (1980), 15 C.R. (3d) 228	45.
✓ R.v. O. (1960-61), 3 Crim L.Q.151 (Ont. High Ct.)	63.
✓ R. v. Borg, [1959] S.C.R. 551; 6 D.L.R. (3d) 1; [1969] 4 C.C.C.262	66.
Schwartz v. The Queen (1976) 29 C.C.C. (2d) 1; 34 C.R.N.S. 138 67 D.L.R. (3d) 716; (1975) 25 C.C.C.(2d) 477	73.
R. v. Barnier, (1980) 13 C.R. (3d) 129	80.
✓ Clark v. The King (1921) 61 S.C.R. 608; 35 C.C.C. 261 [1921] 2 W.W.R. 446; 59 D.L.R. 121	87.
✓ Chartrand v. The Queen (1975), 26 C.C.C. (2d) 417; 64 D.L.R. (3d) 145; 8 N.R. 503	90.
✓ R. v. Theriault (1979), 45 C.C.C. (2d) 46	94.
✓ Reference re R. v. Gorecki (no.1) (1976), 32 C.C.C. (2d) 129	101.

Criminal Code; ss. 16, 542-7, 465(2)&(3), 738(5)(6)(7)

Mewett and Manning, Criminal Law, pp. 193-228

Law Reform Commission of Canada: Mental Disorder in the Criminal Process (1976) pp. 1-61

RECOMMENDED READING: P. 105